

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-3, 5-11, 14-17, and 20-25 are currently being prosecuted. Claim 1 is amended. Claims 1, 9, and 24 are independent. Claim 19 is cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 4, 12, 13, and 18 were cancelled by a previous amendment. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth herein.

**Reasons for Entry of Amendments**

It is respectfully requested that this Amendment be entered into the Official File in view of the fact that, except for amending the claims to overcome the objection to claim 1 and the rejection of claim 19 under 35 U.S.C. 112, second paragraph, the claims as currently written are in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, second paragraph (by canceling claim 19), thereby reducing the number of pending claims. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now cited new grounds for rejection in this Final Office Action.

**Examiner Interview Requested**

In order to advance the prosecution of the present application, the Applicants respectfully request that the Examiner grant an interview to the Applicants' Representative, Carl T. Thomsen, Registration No. 50,786, in order to discuss the differences between the present invention and the devices described in the references cited by the Examiner. Carl T. Thomsen is available at 703-208-4030 at the Examiner's convenience.

**Information Disclosure Statement**

It is gratefully appreciated that the Examiner has acknowledged the IDS filed on January 7, 2004.

**Claim Objection**

Claim 1 has been amended to address the issue pointed out by the Examiner, thereby overcoming the objection to claim 1.

**Rejections under 35 U.S.C. § 112, second paragraph**

Claims 19 stands rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicants have cancelled claim 19 to address the issue pointed out by the Examiner. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicants

regard as the invention. Reconsideration and withdrawal of this rejection are respectfully requested.

**Rejections under 35 U.S.C. §103(a)**

Claims 1, 9, 19, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald (U.S. 6,161,857) in view of Shiratsuchi (U.S. 4,796,719);

claims 2, 5, 6, 7, 10, 14, 15, 20-23, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald in view of Shiratsuchi and further in view of Martinez et al. (U.S. 6,270,131);

claims 3, 5, 11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald in view of Shiratsuchi and Martinez et al. and further in view of Casse (U.S. 4,165,113); and

claims 8, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Theobald as modified in view of Brumby (U.S. 5,074,407).

**Amendments to Independent Claims 1, 9, and 24**

While not conceding the appropriateness of the Examiner's rejections, and as noted above, each of independent claims 1, 9, and 24 as currently written recites a combination of elements directed to a shock absorbing structure, including *inter alia*

wherein said shock absorbing member is mounted on a front cover and includes a rear peripheral wall that is curved into a shape to follow that of the front cover, and

wherein a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover.

Support for the above features can be seen, for example, in FIGS. 1 and 4.

The Applicants respectfully submit the combination of elements set forth in each of claims 1, 9, and 24 is not suggested by the combination of Theobald et al., and Shiratsuchi.

In contrast to the present invention, Theobald (U.S. 6,161,857) merely discloses a deformation element 12 mounted (in a manner not disclosed or suggested) on vehicle frame 1. However, the inside structure of the deformation element 12 is not disclosed at all. Specifically Theobald fails to disclose a rear peripheral wall of any sort. In fact, on page 3 of the Office Action the Examiner concedes that Theobald fails to teach or suggest a rear peripheral wall.

Further, Shiratsuchi (U.S. 4,796,719) merely discloses a curved front cover. However, a shock absorbing member is neither disclosed nor suggested in both the specification and Figures of Shiratsuchi. Even if a shock absorber were to be mounted on the Shiratsuchi device, it is unclear whether the shock absorbing member includes a peripheral wall that would be curved into a shape to follow that of the front cover. Furthermore, it is also unclear that a central portion of the rear peripheral wall of the shock absorbing member would be concave-shaped so as to fit against a convex-shaped portion of the Shiratsuchi front cover.

The Examiner apparently agrees that neither Theobald nor Shiratsuchi teaches a rear peripheral wall. However, the Examiner then makes an illogical leap by asserting that it would be obvious not only to have included a rear peripheral wall, but also that it would be

obvious to have included a rear peripheral wall that is curved into a shape to follow that of the front cover, wherein a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover, as presently claimed. Yet the Examiner has provided no evidence whatsoever that one skilled in the art would have found the present invention to be obvious based on the disclosures in Theobold and Shiratsuchi, neither of which provides any hint of a rear peripheral wall.

The Applicants respectfully submit that the Examiner's conclusion is not proper and is based on mere hindsight. Specifically, the Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness, for at least the following reasons:

1. The Examiner concedes that neither Theobold nor Shiratsuchi teaches a rear peripheral wall. Thus, these references fail to teach or suggest every claimed element of the present invention.
2. Since Theobold merely discloses a deformation element 12 mounted to frame 1 of a vehicle not having a front cover. Without a front cover, there is no apparent need for the deformation element 12 to have a rear peripheral wall. Since the Theobold device fails to teach or suggest a rear peripheral wall, one skilled in the art at the time the present invention was made would have no motivation whatsoever to combine the Theobold deformation element 12 with the curved cover of Shiratsuchi. The Theobold device and the Shiratsuchi front cover are not compatible.

On the other hand, the present invention discloses a shock absorbing member that is mounted on a front cover and includes the rear peripheral wall that is curved into a shape to follow that of the front cover, and a central portion of the rear peripheral wall is concave-shaped so as to fit against a convex-shaped portion of the front cover. Therefore, the layout between the shock absorbing member and the front cover can be easily conducted. Additionally, the front cover can be received with a large area against the shock from the shock absorbing member. Thus, the front cover can readily disperse the shock.

At least for the reasons set forth above, the Applicants respectfully submit that the combination of elements set forth in each of claims 1, 9, and 24 is not suggested by the references cited by the Examiner, including Theobald et al., and Shiratsuchi.

Therefore, independent claims 1, 9, and 24 are in condition for allowance.

In addition, each of dependent claims 2, 3, 5-8, 11, 14-17 and 20-25 is in condition for allowance due to its dependence on an allowable independent claim or due to the additional novel features contained therein.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

All claims of the present application are in condition for allowance.

**CONCLUSION**

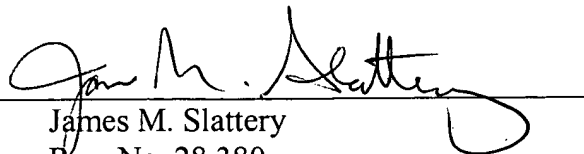
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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